

**Affidavit to Accompany
Motion for Leave to Appeal in Forma Pauperis**

2005 MAR 25 15 14

FILED IN CLERKS OFFICE
US COURT IN APPEALS
FOR THE FIRST CIRCUIT

District Court No. 04-10023-GAO
Appeal No. 05-1021

v.

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: Michael Sabanto

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 3-21-05

My issues on appeal are:

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Gifts	\$ <u>70</u>	\$ <u>0</u>	\$ <u>80</u>	\$ <u>0</u>
Alimony	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>
Child support	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>
Unemployment payments	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>
Public-assistance (such as welfare)	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>0 N/A</u>	\$ <u>N/A</u>
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total Monthly income: \$ <u>80-120</u> \$ <u>0</u> \$ <u>80-120</u> \$ <u>0</u>				
JUST GIFTs from friends and family				

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
Gym job S.B.L.C	SHIRLY MA	11-99 to 4-00	\$ 20
Gym job S.B.L.C	SHIRLY MA	12-02 to 5-03	\$ 20
0	0	0	0

3. List your spouses's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
0 N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

4. How much cash do you and your spouse have? \$ 70 just me

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<u>S-B-L-C</u>	<u>SAVINGS</u>	<u>\$ 101.84</u>	<u>\$ N/A</u>
<u>0</u>	<u>0</u>	<u>\$ 0</u>	<u>\$ 0</u>
<u>0</u>	<u>0</u>	<u>\$ 0</u>	<u>\$ 0</u>

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor Vehicle #1	(Value)
<u>N/A</u>		<u>N/A</u>		Make & year: <u>N/A</u>	
<u>N/A</u>		<u>N/A</u>		Model: <u>N/A</u>	
<u>N/A</u>		<u>N/A</u>		Registration#: <u>N/A</u>	
Motor Vehicle #2	(Value)	Other assets	(Value)	Other assets	(Value)
Make & year: <u>N/A</u>		<u>N/A</u>		<u>N/A</u>	
Model: <u>N/A</u>		<u>N/A</u>		<u>N/A</u>	
Registration#: <u>N/A</u>		<u>N/A</u>		<u>N/A</u>	

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>N/A</u>	\$ <u>N/A</u>
Are any real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$ <u>N/A</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>N/A</u>	\$ <u>N/A</u>
Food	\$ <u>80</u>	\$ <u>N/A</u>
Clothing	\$ <u>N/A</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>N/A</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>NA</u>	\$ <u>NA</u>
Transportation (not including motor vehicle payments)	\$ <u>NA</u>	\$ <u>NA</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>NA</u>	\$ <u>NA</u>
Insurance (not deducted from wages or included in Mortgage payments)	\$ <u>NA</u>	\$ <u>NA</u>
Homeowner's or renter's	\$ <u>NA</u>	\$ <u>NA</u>
Life	\$ <u>80</u>	\$ <u>NA</u>
Health	\$ <u>NA</u>	\$ <u>NA</u>
Motor Vehicle	\$ <u>NA</u>	\$ <u>NA</u>
Other: <u>CANTEN</u>	\$ <u>80</u>	\$ <u>NA</u>
Taxes (not deducted from wages or included in Mortgage payments)(specify): <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Installment payments	\$ <u>NA</u>	\$ <u>NA</u>
Motor Vehicle	\$ <u>NA</u>	\$ <u>NA</u>
Credit card (name): <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Department store (name): <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Other: <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>

Alimony, maintenance, and support paid to others	\$ <u>NA</u>	\$ <u>NA</u>
Regular expenses for operations of business, profession, or farm (attach detailed statement)	\$ <u>NA</u>	\$ <u>NA</u>
Other (specify): <u>CANICEN</u>	\$ <u>80</u>	\$ <u>NA</u>
Total monthly expenses:	\$ <u>80</u>	\$ <u>NA</u>

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? \$ NA

If yes, state the attorney's name, address, and telephone number:

NA

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? \$ NA

If yes, state the person's name, address, and telephone number:

NA

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

My family spent all there money on my trial counsels and only can provide the basic neccessitys for me in prison And if the fee is required I ask if a monthly payment can be given please.

13. State the address of your legal residence.

S. B. C. C. SHIRLEY MA 01464
P. O. BOX 8000

Your daytime phone number: (781) 337-7230

Your age: 26 Your years of schooling: 8th grade

[REDACTED]

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20050210 13:25

Page : 1

Commit# : W65867

SOUZA-BARANOWSKI CORRECTIONAL

Name : SUBENKO, MICHAEL, A.

Statement From 20040810

Inst : SOUZA-BARANOWSKI CORRECTIONAL

To 20050210

Block : H2

Cell/Bed :

10 / A

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$2,771.21	\$2,656.32	\$311.40	\$211.31
20040811 17:03	IS - Interest	3208490		SBCC		\$0.09	\$0.00	\$0.00	\$0.00
20040811 17:03	IS - Interest	3208491		SBCC		\$0.00	\$0.00	\$0.16	\$0.00
20040813 11:21	CI - Transfer from Club to Inmate A/c	3236741		SBCC	~refund fr 8/6~W65867 SUBENKO,MICHAEL A PERSONAL~KCN WASH ACCOUNT - Z5	\$1.73	\$0.00	\$0.00	\$0.00
20040816 11:28	IC - Transfer from Inmate to Club A/c	3240250		SBCC	~postage~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$1.20	\$0.00	\$0.00
20040817 08:12	IC - Transfer from Inmate to Club A/c	3243537		SBCC	~postage~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$0.74	\$0.00	\$0.00
20040820 22:30	CN - Canteen	3266348		SBCC	~Canteen Date : 20040820	\$0.00	\$29.94	\$0.00	\$0.00
20040827 22:30	CN - Canteen	3295379		SBCC	~Canteen Date : 20040827	\$0.00	\$39.78	\$0.00	\$0.00
20040830 09:56	ML - Mail	3296808		SBCC	~LISA SERPA	\$40.00	\$0.00	\$0.00	\$0.00
20040903 22:30	CN - Canteen	3322678		SBCC	~Canteen Date : 20040903	\$0.00	\$49.51	\$0.00	\$0.00
20040908 16:50	IS - Interest	3334706		SBCC		\$0.18	\$0.00	\$0.00	\$0.00
20040908 16:50	IS - Interest	3334707		SBCC		\$0.00	\$0.00	\$0.18	\$0.00
20041013 16:59	IS - Interest	3500000		SBCC		\$0.07	\$0.00	\$0.00	\$0.00
20041013 16:59	IS - Interest	3500001		SBCC		\$0.00	\$0.00	\$0.18	\$0.00
20041110 16:46	IS - Interest	3645763		SBCC		\$0.07	\$0.00	\$0.00	\$0.00
20041110 16:46	IS - Interest	3645764		SBCC		\$0.00	\$0.00	\$0.21	\$0.00
20041207 17:00	IS - Interest	3778875		SBCC		\$0.08	\$0.00	\$0.00	\$0.00
20041207 17:00	IS - Interest	3778876		SBCC		\$0.00	\$0.00	\$0.22	\$0.00
20050113 17:06	IS - Interest	3980015		SBCC		\$0.09	\$0.00	\$0.00	\$0.00
20050113 17:06	IS - Interest	3980016		SBCC		\$0.00	\$0.00	\$0.25	\$0.00
20050202 09:54	ML - Mail	4071743		SBCC	~LAURIE SUBENKO	\$15.00	\$0.00	\$0.00	\$0.00
20050202 09:54	MA - Maintenance and Administration	4071744		SBCC	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20050204 22:30	CN - Canteen	4091390		SBCC	~Canteen Date : 20050204	\$0.00	\$49.79	\$0.00	\$0.00
20050209 16:46	IS - Interest	4109160		SBCC		\$0.09	\$0.00	\$0.00	\$0.00
20050209 16:46	IS - Interest	4109161		SBCC		\$0.00	\$0.00	\$0.27	\$0.00
						\$57.40	\$171.96	\$1.47	\$0.00

Balance as of ending date :

Personal

\$0.33

Savings

\$101.56

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

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Page : 2

Commit# : W65867

SOUZA-BARANOWSKI CORRECTIONAL

Name : SUBENKO, MICHAEL, A.

Statement From 20040810

Inst : SOUZA-BARANOWSKI CORRECTIONAL

To 20050210

Block : H2

Cell/Bed : 10 /A

Current Balances :

Personal	Savings	Freeze	Loan	Restitution	Sentence
\$0.33	\$101.56	\$0.00	\$0.00	\$0.00	\$0.00